

### **REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Counsel thanks Examiner N. CHUKWURAH for the courtesy of an interview held on March 4, 2011. The claims have been amended along the lines discussed with Mr. CHUKWURAH at then interview. The amended claims find support in the specification at page 6, lines 4-15 (which is the inadvertently missing page submitted in the Amendment dated October 22, 2010), page 4, lines 4-6 from bottom, and FIGs. 3-4 of the application as filed. No new matter has been introduced through the foregoing amendments.

The art rejections are believed overcome for the reasons discussed with the Examiner during the interview. In particular, as to **independent claim 6**, the applied references, especially *Hamada*, do not teach or suggest that

wherein the plug guide includes  
a zone having an enlarged section, and  
an opening which extends through a side wall of the plug guide in  
said zone and via which the magazine opens directly into the plug  
guide.

In other words, the claimed subject matter requires an opening which is (i) formed in the side wall of the enlarged section and via which (ii) the magazine opens directly into the plug guide. This feature finds support in at least FIG. 3 as filed.

In *Hamada*, e.g., FIG. 1, the magazine 4 opens directly into the fastener guide/nozzle 5 at an opening 6 which is not formed in the enlarged cross-section portion 20/21. The enlarged cross-section portion 20/21 itself does not include any opening through the side wall of the nozzle 5 via which the magazine 4 may be directly opened into the nozzle 5.

Thus, *Hamada* does not teach or suggest the feature of independent claim 6. The deficiency of *Hamada* is not deemed curable by the other references, and therefore independent claim 6, as well as the respective dependent claims, are patentable over the applied art of record.

**Independent claim 11** recites, among other things,

wherein the rear zone extends axially over a distance

$$H = h + (L-L')$$

where

$h$  is an axial length of each sleeve, and

$(L-L')$  is a loading stroke of the fastener guide from the front position to the rear position.

In other words, the claimed subject matter requires that the axial extent of the rear zone having the enlarged cross-section is determined based on the loading stroke of the fastener guide. The claim feature finds support in the sections of the specification indicated above, as well as FIGs. 3-4. The feature permits the fastener's sleeve in embodiments, such as that shown in FIG. 4, to remain in the rear zone of the enlarged section when the gun is cocked prior to firing.

In *Hamada*, the enlarged cross-section portion 20/21 is configured to correct the nail's orientation as best seen in FIGs. 4-7 of the reference. To achieve such an objective, the configuration of the *Hamada* enlarged cross-section portion 20/21 should be based on the length of the nail, the diameter of the nail head (51, FIG. 4) and the inner diameter of the nozzle. There is no teaching or suggestion that the configuration of the *Hamada* enlarged cross-section portion 20/21 could/would be based on the loading stroke as presently claimed.

Thus, *Hamada* does not teach or suggest the feature of independent claim 11. The deficiency of *Hamada* is not deemed curable by the other references, and therefore independent claim 11, as well as the respective dependent claims, are patentable over the applied art of record.

Serial No. 10/597,377

**Independent claim 16** includes similar features to the features discussed above with respect to claims 6 and 11, and is also believed patentable, together with the respective dependent claims, over the applied art of record.

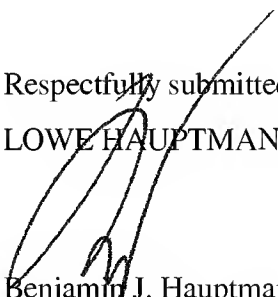
Accordingly, all claims in the present application are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under *37 C.F.R. 1.136* is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

  
Benjamin J. Hauptman  
Reg. No. 29,310

USPTO Customer No. 33712  
1700 Diagonal Road, Suite 310  
Alexandria, VA 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
Date: March 16, 2011  
BJH:KL/tal